IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.972 OF 2004
IN
NOTICE OF MOTION NO.1324 OF 2004
IN
L.C. SUIT NO.1558 OF 2004

Atam Sabhandas Teckchandani ... Appellant

V/s.

Municipal Corporation of
Greater Mumbai & Ors. ... Respondents

Mr.Ravi Kachare i/b Yadhunath Chaudhari for Appellant
Mr.J. Xavier for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 15, 2004**

P.C.:

. The order passed by the trial Court dismissing the Notice of Motion has been passed after considering all the facts and pleadings before it. It appears that the appellant has put up a staircase from the outside of the building without permission. The appellant claims that this staircase was always in existence and in any case was in existence when he bought the premises on the first floor. Despite this, on 15.4.12004, the appellant has made an application for regularisation of MS staircase to the existing building. The application for regularisation has been rejected on 19.5.2004. This order has not been challenged by the appellant. The learned Advocate for the appellant seeks liberty to

challenge this order in appropriate proceedings.

2. In view of this, Appeal from Order dismissed. However, the appellant is at liberty to challenge the order of 19.5.2004 in appropriate proceedings within two weeks from today. The Mumbai Municipal Corporation will not take any action pursuant to the notice issued under section 351 on 26.2.2004 and the order dated 15.3.2004 for two weeks hereafter.

3. In view of the Appeal from Order being disposed of, nothing survives in Civil Application No.1351 of 2004 and the same is disposed of accordingly.